

House File 548 - Introduced

HOUSE FILE 548
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 43)

A BILL FOR

1 An Act relating to court records for residential forcible
2 entry and detainer actions and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 648.22, Code 2023, is amended to read as
2 follows:

3 **648.22 Judgment — execution — costs — sealing of court**
4 **records.**

5 1. If the defendant is found guilty, judgment shall be
6 entered that the defendant be removed from the premises, and
7 that the plaintiff be put in possession of the premises, and an
8 execution for the defendant's removal within three days from
9 the judgment shall issue accordingly, to which judgment for
10 costs shall be entered in the judgment docket and lien index,
11 and to which shall be added a clause commanding the officer to
12 collect the costs as in ordinary cases.

13 2. In a residential forcible entry and detainer action,
14 the court records of the action shall be sealed not later than
15 three days from the date of the order, if any of the following
16 occurs:

17 a. The defendant is found not guilty.

18 b. The case is dismissed.

19 c. The plaintiff does not appear for the hearing.

20 3. In a residential forcible entry and detainer action, the
21 court shall enter an order sealing the court records of the
22 action not later than three days from the date of the order
23 if, by motion or upon the court's own determination, the court
24 finds there is no genuine issue of material fact between the
25 parties.

26 4. Upon application of a defendant found guilty in a
27 residential forcible entry and detainer action for nonpayment
28 of rent, the court shall enter an order sealing the record of
29 the action, the existence of the petition, all filings and
30 documentation within the case file, and any associated writs of
31 execution, if all of the following conditions are met:

32 a. More than five years have passed since the date of the
33 finding of guilt.

34 b. The applicant has not been found guilty in a subsequent
35 forcible entry and detainer action in the five-year period

1 directly preceding the application.

2 c. The applicant has not previously been granted a sealing
3 of a finding of guilt under this chapter within ten years prior
4 to the application.

5 d. The applicant has paid all court costs, fees, fines, and
6 any other financial obligation ordered by the court or assessed
7 by the clerk of the district court in the case.

8 5. The application to seal the record of the action shall be
9 included in the record the defendant wishes to seal, using a
10 form prescribed by the supreme court.

11 6. Upon sealing, the existence of the petition, all filings
12 and documentation within the case file, and any associated
13 writs of execution shall be removed from any publicly
14 accessible location under the direction of the judicial branch
15 or county, as applicable. The clerk of court shall enter
16 satisfaction of judgment in the judgment docket and lien index.
17 Notwithstanding chapter 22, records sealed upon satisfaction
18 of the requirements specified in this section shall not be
19 available for public inspection except in one of the following
20 manners:

21 a. Upon request by the defendant or the attorney for the
22 defendant by filing a motion in the sealed case.

23 b. Upon application to the judicial branch using a form
24 prescribed by the supreme court for scholarly, educational,
25 journalistic, or governmental purposes only, provided that in
26 all cases, the names of minor children shall remain sealed
27 at all times, and that the names and personally identifiable
28 information of all persons named as defendants or included in
29 the plaintiff's petition shall be redacted and remain sealed
30 unless the court determines that release of such information is
31 necessary to fulfill the scholarly, educational, journalistic,
32 or governmental purpose of the request.

33 c. State court administration shall maintain a record in
34 the aggregate of all filings and the final disposition of any
35 such actions, to include dismissal, default judgment, and writs

1 associated with disposition. State court administration shall
2 make available to the public and report annually such aggregate
3 information in such a manner prescribed by the supreme court as
4 to protect the identity of the parties while still providing
5 the public with information regarding eviction proceedings.

6 7. Upon sealing, a consumer reporting agency shall
7 not disclose the existence of, or information regarding,
8 an eviction action or other civil action sealed or made
9 confidential under this section or use such action as a factor
10 to determine any score or recommendation to be included in a
11 consumer report regarding any person named in such case.

12 8. Subsections 4 through 7 do not apply to a money judgment
13 awarded for an action that was filed with a forcible entry
14 and detainer action or arising from the same set of facts and
15 circumstances.

16 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1, 2024.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to sealing court records of residential
21 forcible entry and detainer actions (eviction actions).

22 The bill requires a court to seal the court records of an
23 eviction action not later than three days from the date of the
24 order if any of the following have occurred: the defendant is
25 found not guilty, the case is dismissed, the plaintiff does not
26 appear for the hearing, or if, by motion or upon the court's
27 own determination, the court finds there is no genuine issue of
28 material fact between the parties.

29 The bill provides that upon application of a defendant found
30 guilty in an eviction action for nonpayment of rent, the court
31 shall seal the court records if more than five years have
32 passed since disposition, the applicant has not been found
33 guilty in a subsequent eviction action in the five-year period
34 preceding the application, the applicant within the last 10
35 years has not been granted a sealing of eviction court records,

1 and the applicant has paid all costs. The application to seal
2 shall be included in the sealed court records.

3 The bill provides that upon sealing the court records, all
4 filings, documentation, and writs of association shall be
5 removed from any publicly accessible location. Sealed court
6 records shall not be available for public inspection except
7 upon request by the defendant or the attorney for the defendant
8 by filing a motion in the sealed case or application to the
9 judicial branch using a form to be prescribed by the supreme
10 court for scholarly, educational, journalistic, or governmental
11 purposes. The bill requires the state court administrator
12 to maintain a record in the aggregate of all filings and to
13 make such information available to the public in such a manner
14 prescribed by the supreme court as to protect the identity of
15 the parties while still providing the public with information
16 relating to eviction actions.

17 The bill provides that upon sealing a consumer reporting
18 agency shall not disclose the existence of, or information
19 regarding, an eviction action or other civil action sealed or
20 made confidential under the bill or use such action as a factor
21 to determine any score or recommendation to be included in a
22 consumer report regarding any person named in such case.

23 Under the bill, certain provisions do not apply to an
24 application to seal a record for an eviction action by a
25 defendant found guilty when a money judgment has been awarded
26 to the plaintiff.

27 The bill takes effect July 1, 2024.